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Wireless Telecommunications Bureau)	
Seeks Comment on Phase I E911)	CC Docket No. 94-102
Implementation Issues)	DA 00-1875

To: Chief, Wireless Telecommunications Bureau

COMMENTS OF NEXTEL COMMUNICATIONS, INC.

I. INTRODUCTION

Pursuant to the Public Notice of the Federal Communications Commission ("Commission"),¹ Nextel Communications, Inc. ("Nextel") respectfully submits these Comments on the issues raised in the May 25, 2000 Letter of the King County E911 Program Office to the Wireless Telecommunications Bureau ("Bureau").²

In its Letter, King County claims that wireless carriers continue to seek reimbursement for their cost of implementing Phase I Enhanced 911 ("E911"). Although Nextel cannot speak for other wireless carriers, Nextel can state that it is not seeking cost reimbursement from King County as a prerequisite to implementing Phase I E911 service. Nextel is covering the cost of upgrading its system to generate and deliver Automatic Number

¹ Public Notice, "Wireless Telecommunications Bureau Seeks Comment on Phase I E911 Implementation Issues," DA 00-1875, released August 16, 2000 ("Public Notice").

² Letter from Marlys Davis, E-911 Program Manager, King County E-911 Program Office, Department of Information and Administrative Services, to Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, FCC, dated May 25, 2000 ("King County Letter").

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Identification ("ANI") and Automatic Location Information ("ALI") to the King County Public Safety Answering Point ("PSAP").

King County's Letter, although somewhat vague, appears to be seeking cost recovery from the carriers for Phase I E911 upgrades that are required for PSAP systems to receive and display ANI and ALI information. While Nextel is moving forward with Phase I implementation where there has been a valid PSAP request, Nextel is not prepared to fund the costs of upgrading the PSAP's and/or the Local Exchange Carrier's ("LEC") systems to enable the transmission of ANI and ALI. These costs are not the responsibility of wireless carriers and should be borne by the parties incurring the costs.

II. BACKGROUND

Nextel has been an active participant in this proceeding since 1994. Since the Commission released its First Report and Order in this proceeding in 1996,³ Nextel has pursued implementation of Phase I Enhanced 911 ("E911") services, including resolving numerous technical issues and contractual issues with PSAPs throughout the country. King County is one of hundreds of PSAPs that Nextel is or will be working with to implement Phase I E911 services.

³ Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18676 (1996).

Since the Commission eliminated a wireless carrier's right to cost recovery as a prerequisite to Phase I E911 implementation,⁴ Nextel has continued to pursue Phase I implementation in every jurisdiction where a PSAP has properly requested the service. In those states that have retained a cost recovery mechanism despite the Commission's ruling, for example, Nextel has turned on Phase I E911 prior to signing a cost recovery contract with the relevant PSAPs.⁵ Additionally, Nextel is moving forward with Phase I implementation in those states where there is no mechanism for cost recovery.

Nextel has been negotiating a Phase I implementation contract with King County for several months. Since the Commission's elimination of carrier cost recovery as a pre-condition to Phase I service, however, Nextel is no longer requiring that the King County PSAP assure cost recovery prior to turning on service. Moreover, although contract negotiations continue, Nextel intends to launch Phase I service in King County in the very near future.

⁴ In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Second Memorandum Opinion and Order*, FCC 99-352, 14 FCC Rcd 20,850 (1999) ("Second MO&O").

⁵ For example, in areas of Texas, Florida, North Carolina and South Carolina, each of which has a carrier cost recovery mechanism in place, Nextel has launched Phase I services prior to having an agreement with the PSAP (or appropriate governing entity) regarding the scope of Nextel's cost recovery rights.

III. DISCUSSION

In its Letter, King County states that it is capable of receiving ANI and ALI from wireless carriers.⁶ Moreover, King County states that some wireless carriers continue to demand cost recovery for “certain components of Phase I service” although King County has ordered implementation of Phase I without carrier cost recovery.⁷ To the extent King County is referencing Nextel, this statement is not accurate. Nextel is not asking that King County reimburse it for *any* of its Phase I implementation costs as a pre-condition to launching Phase I E911 service.

Nextel has upgraded its system to generate the necessary ANI and ALI information when a Nextel subscriber makes a 911 call; Nextel has hired the necessary consultants to facilitate the generation and development of this ANI and ALI information; Nextel has accumulated all of the required cell site location information (and associated PSAP location information) to load into the LEC’s ALI database; and, Nextel has stated that it will take responsibility for loading that data into the ALI database. Additionally, Nextel has agreed to pay for the trunking necessary to deliver that information to the selective router at the LEC’s facilities. All of these actions are Nextel’s responsibility,

⁶ King County Letter at p. 1.

⁷ *Id.*

are within Nextel's control and are, therefore, costs associated with Nextel's Phase I implementation activities.

To ensure that wireless carriers are not required to pay for both their own costs and those of the PSAP and/or LEC, the King County Letter may require that the Commission establish a cost allocation demarcation point, thus categorizing Phase I implementation costs as either wireless carrier costs, PSAP costs and/or LEC costs. The appropriate demarcation point for determining the scope of the wireless carrier's costs is the LEC network – *i.e.*, the point at which the wireless network hands the information to the LEC network. Beyond that point (typically at the LEC's selective router to which the wireless carrier interconnects), the wireless carrier has no control over and no knowledge of the network elements being used to transmit the ANI and ALI through the LEC's and the PSAP's networks.

To impose on carriers the obligation to pay these costs would be beyond the scope of the Commission's wireless E911 rules. Prior to requesting Phase I service, PSAPs are required to upgrade their systems and ensure they are capable of accepting the ANI and ALI information associated with wireless E911.⁸ Thus, the Commission placed the obligation of PSAP system upgrades – and their associated costs -- on the PSAP, and "recognized that [PSAP] implementation will require investment in facility

⁸ Second MO&O at paras. 23, 66.

and equipment upgrades to be able to request the service.”⁹ The Commission should not depart from that earlier decision by shifting the cost burden to wireless carriers.

King County, in fact, recognizes that these network elements do not belong to the wireless carrier, stating that “[t]raditionally, network and data base services have been considered to be elements of the E911 service that **[are] ordered by the PSAP from the telecommunications companies.**”¹⁰ The PSAP is ordering these network and data base elements because they are necessary for the PSAP’s system to accept the ANI and ALI associated with wireless E911 calls. These network and data base elements, moreover, are provided to the PSAP by the LEC; not the wireless carrier. Thus, the wireless carrier has no involvement in the networking that occurs within the LEC’s or the PSAP’s networks. These are upgrades made within their systems, and the costs, therefore, are properly allocated to those entities.

The cost of equipment upgrades and networking/data base elements associated with the LEC’s and the PSAP’s systems also should be borne by the LEC and/or the PSAP because the responsibility for monitoring, managing and maintaining that network resides with the LEC and the PSAP; not the wireless carrier. Once the necessary trunking and other elements are in place and calls are being transmitted between the LEC and the PSAP, the

⁹ *Id.* at para. 66.

¹⁰ *Id.*

wireless carrier has no ability to monitor the traffic flows or the quality of service. Moreover, the wireless carrier has no control over the networking and database purchasing decisions of the PSAP and the LEC, *i.e.*, the wireless carrier would be required to fund purchasing and implementation decisions over which it has no involvement. Given this lack of control over the purchase, installation and operation of those network elements, wireless carriers should not be accountable for the cost of deploying them.

IV. CONCLUSION

Since the Commission eliminated cost recovery for wireless carriers as a pre-condition to Phase I E911 implementation, Nextel has proceeded to implement Phase I E911 without regard for recovering its implementation costs. However, the Commission's conclusion that carriers must bear their own costs should not result in a Commission decision that wireless carriers should also bear the implementation costs of the PSAP and the LEC.

All three entities – the wireless carrier, the PSAP and the LEC – have specific responsibilities and obligations to ensure that wireless Phase I E911 is a reality, and each of those entities should bear its own costs for completing its particular tasks. Wireless carriers' costs, therefore, should not extend beyond their own networks and into the LEC's and the PSAP's networks. Once the wireless carrier delivers its ANI and ALI information to

the LEC, which then transmits the information to the PSAP, the wireless carriers' obligations and responsibilities end – as do its incidence of costs.

Respectfully submitted,

By, 
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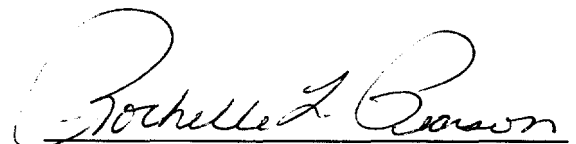
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CERTIFICATE OF SERVICE

I, Rochelle L. Pearson, hereby certify that on this 18th day of September, 2000,
caused a copy of the attached Comments of Nextel Communications, Inc.,
to be served by hand delivery to the following:

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A handwritten signature in cursive script, reading "Rochelle L. Pearson", written in black ink.

Rochelle L. Pearson